

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LINDA PAUL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. 12-5710-RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 20). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, an administrative law judge (ALJ) will hold a *de novo* hearing and Plaintiff may raise any issue. The ALJ will also evaluate and weigh all medical opinions, including those of Dr. Neims; reevaluate Plaintiff's credibility; reevaluate Plaintiff's residual functional capacity; and discuss and evaluate any new evidence. Because Plaintiff has a subsequent favorable application for benefits, the period at issue will be from the alleged onset date of October 1, 2006, to February 1, 2011.

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1 Upon proper presentation, this Court will consider Plaintiff's application for costs and
2 attorney fees under 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

3 Given the fact of the parties' stipulation, the Court recommends that the District Judge
4 immediately approve this Report and Recommendation and order the case **REVERSED** and
5 **REMANDED**. A proposed order accompanies this Report and Recommendation.

6 DATED this 20th day of December, 2012.
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10 Karen L. Strombom
11 United States Magistrate Judge
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